THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.24478 of 1997

DATED: 15-03-2007

Between:

D.V.R.K.Achari and others.

… Petitioners.

And

The A.P.State Road Transport Corporation,
Rep by Vice-Chairman & Managing Director,
Musheerabad, Hyderabad

And others.

… Respondents

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WRIT PETITION No.24478 of 1997

ORDER:

None appear for the petitioners. Sri R.Manmadha Reddy for respondents.

The petitioners in this writ petition sought for a mandamus to direct the respondents to regularize the services of the petitioners.

In the affidavit filed in support of the writ petition the petitioners claim that they have been working on daily wages since 1986 in first respondent Corporation as Man Mazdoors under the control of Executive Engineer (Civil), Vijayawada, who has jurisdiction over three districts, viz., Krishna, Guntur and Prakasham. It is their contention that though they have been working for more than ten years their services are not regularized. They have also alleged that they are working under direct supervision of Assistant Engineer and Deputy Executive Engineer and that they have been managing muster rolls. They also claim that they are being paid directly by the State officials.

In the counter affidavit filed by the Law Officer of first respondent – Corporation, the contention of the petitioners that they have been engaged by the Corporation or its officers has been denied. It is stated that there is no cadre of Man Mazdoor under APSRTC regulations; that the petitioners may have been working under contractors engaged by

the Corporation for attending various works in different units. They have further asserted that the petitioners' cases were never recommended for regularization and that the circular dated 20.12.1989 issued by the Corporation provided for regularization of services of labour engaged by the Corporation directly and that the Corporation dispensed with the practice of engaging labour directly in the year 1984.

The status of the petitioners is seriously disputed. While on the one hand the petitioners claim that they are engaged directly by the officers of the Corporation, the corporation specifically denied this allegation. Thus the petitioners raised a dispute which requires to be adjudicated by considering the necessary evidence and material adduced by both sides. As held by the Supreme Court in **Food Cororation of India Workers' Union vs Food Corporation of India and Others**[1] in matters involving serious disputed questions of fact the appropriate remedy for the parties is to approach the Labour Court and seek appropriate relief.

The writ petition is therefore liable to be dismissed and it is accordingly dismissed giving liberty to the petitioners to approach the Labour Court if they are so advised for the relief which is sought for in this writ petition.

C.V.NAGARJUNA REDDY,J

Dt:15-03-2007.
Mdaa.

[1] AIR 1985 SC 488